

## **9 FAM 40.209 UNAUTHORIZED DISCLOSURE OF UNITED STATES CONFIDENTIAL BUSINESS INFORMATION**

*(TL:VISA-515; 01-29-2003)*

### **9 FAM 40.209 RELATED STATUTORY PROVISIONS**

*(TL:VISA-515; 01-29-2003)*

#### **SEC. 103 OF TITLE I OF PUB. L. 105-277, in part**

*See 22 CFR 40.209*

#### **(f) SANCTIONS FOR UNAUTHORIZED DISCLOSURE OF UNITED STATES CONFIDENTIAL BUSINESS INFORMATION.**

The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States any alien who, after the date of enactment of this Act.

- (1) Is, or previously served as, an officer or employee of the Organization, and who has willfully published, divulged, disclosed, or made known in any manner or to any extent not authorized by the Convention any United States, confidential business information coming to him in the course of his employment or official duties, or by reason of any examination or investigation of any return, report, or record made to or filed with the Organization, or any officer or employee thereof, such practice or disclosure having resulted in financial losses or damages to a United States person and for which actions or omissions the United States has been found liable of a tort or taking pursuant to this Act;
- (2) Traffics in United States confidential business information, a proven claim to which is owned by a United States national;
- (3) Is a corporate officer, principal, shareholder with a controlling interest of an entity which has been involved in the unauthorized disclosure of United States confidential business information, a proven claim to which is owned by a United States national; or

- (4) Is a sponsor, minor child, or agent of a person excludable under paragraph (1), (2), or (3).
- (g) UNITED STATES CONFIDENTIAL BUSINESS INFORMATION DEFINED:  
In this section, the term "United States confidential business information" means any trade secrets or commercial or financial information that is privileged and confidential—
  - (1) Including:
    - (A) Data described in section 304(e)(2) of this Act,
    - (B) Any chemical structure,
    - (C) Any plant design process, technology, or operating method,
    - (D) Any operating requirement, input, or result that identifies any type or quantity of chemicals used, processed, or produced, or
    - (E) Any commercial sale, shipment, or use of a chemical, or
  - (2) As described in section 552(b)(4) of title 5, United States Code, and that is obtained—
    - (i) From a United States person; or
    - (ii) Through the United States Government or the conduct of an inspection on United States territory under the Convention.